



Signature Report

November 8, 2004

Ordinance

Proposed No. 2004-0519.1

Sponsors Edmonds

1 AN ORDINANCE relating to zoning; creating a temporary
2 use permit for homeless encampments; amending
3 Ordinance 12196, Section 9, as amended, and K.C.C.
4 20.20.020 and Ordinance 10870, Section 549, as amended,
5 and K.C.C. 21A.32.120 and adding a new section to K.C.C.
6 chapter 21A.32.

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9 SECTION 1. Ordinance 12196, Section 9, as amended, and K.C.C. 20.20.020 are
10 each hereby amended to read as follows:

11 **Classifications of land use decision processes.**

12 A. Land use permit decisions are classified into four types, based on who makes
13 the decision, whether public notice is required, whether a public hearing is required before
14 a decision is made and whether administrative appeals are provided. The types of land use
15 decisions are listed in subsection E₂ of this section.

16 1. Type 1 decisions are made by the director, or his or her designee, ("director")
17 of the department of development and environmental services ("department"). Type 1
18 decisions are non appealable administrative decisions.

19 2. Type 2 decisions are made by the director. Type 2 decisions are discretionary
20 decisions that are subject to administrative appeal.

21 3. Type 3 decisions are quasi-judicial decisions made by the hearing examiner
22 following an open record hearing. Type 3 decisions may be appealed to the county council,
23 based on the record established by the hearing examiner.

24 4. Type 4 decisions are quasi-judicial decisions made by the council based on the
25 record established by the hearing examiner.

26 a. Except as provided in K.C.C. 20.44.120A.7 and 25.32.080 or unless otherwise
27 agreed to by the applicant, all Type 2, 3 and 4 decisions included in consolidated permit
28 applications that would require more than one type of land use decision process may be
29 processed and decided together, including any administrative appeals, using the highest-
30 numbered land use decision type applicable to the project application.

31 b. Certain development proposals are subject to additional procedural
32 requirements beyond the standard procedures established in this chapter.

33 c. Land use permits that are categorically exempt from review under SEPA do
34 not require a threshold determination (determination of nonsignificance (()["DNS"()]
35 or determination of significance (()["DS"()]). For all other projects, the SEPA review
36 procedures in K.C.C. chapter 20.44 are supplemental to the procedures in this chapter.

37 d. Land use decision types are classified as follow:

TYPE 1	(Decision by	Building permit, site development permit, or clearing
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	director, no administrative appeal)	and grading permit that is not subject to SEPA, that is categorically exempt from SEPA as provided in K.C.C. 20.20.040, or for which the department has issued a determination of nonsignificance or mitigated determination of nonsignificance; boundary line adjustment; right of way; variance from K.C.C. chapter 9.04; shoreline exemption; approval of a conversion-option harvest plan; a binding site plan for a condominium that is based on a recorded final planned unit development, a building permit, an as-built site plan for developed sites, ((or)) a site development permit for the entire site <u>or a temporary use permit for a homeless encampment.</u>
TYPE 2 ¹	(Decision by director appealable to hearing examiner, no further administrative appeal)	Short plat; short plat revision; short plat alteration; zoning variance; conditional use permit; temporary use; shoreline substantial development permit ² ; building permit, site development permit or clearing and grading permit for which the department has issued a determination of significance; reuse of public schools; reasonable use exceptions under K.C.C. 21A.24.070_B; preliminary determinations under K.C.C. 20.20.030_B; sensitive areas exceptions and decisions to require studies or to approve, condition or

		deny a development proposal based on K.C.C. chapter 21A.24; extractive operations under K.C.C. 21A.22.050; binding site plan; waivers from the moratorium provisions of K.C.C. 16.82.140 based upon a finding of special circumstances.
TYPE 3 ¹	(Recommendation by director, hearing and decision by hearing examiner, appealable to county council on the record)	Preliminary plat; plat alterations; preliminary plat revisions.
TYPE 4 ^{1, 3}	(Recommendation by director, hearing and recommendation by hearing examiner decision by county council on the record)	Zone reclassifications; shoreline environment redesignation; urban planned development; special use; amendment or deletion of P suffix conditions; plat vacations; short plat vacations; deletion of special district overlay.

¹ See K.C.C. 20.44.120_C for provisions governing procedural and substantive SEPA appeals and appeals of Type 3 and 4 decisions to the council.

² When an application for a shoreline permit is combined with other permits requiring Type 3 or 4 land use decisions under K.C.C. 25.32.080, the examiner, not the director,

42 makes the decision. A shoreline permit, including a shoreline variance or conditional
43 use, is appealable to the state Shorelines Hearings Board and not to the hearing examiner.

44 ³ Approvals that are consistent with the Comprehensive Plan may be considered by the
45 council at any time. Zone reclassifications that are not consistent with the
46 Comprehensive Plan require a site-specific land use map amendment and the council's
47 hearing and consideration shall be scheduled with the amendment to the Comprehensive
48 Plan under K.C.C. 20.18.040 and 20.18.060.

49 SECTION 2. Ordinance 10870, Section 549, as amended, and K.C.C. 21A.32.120
50 are each hereby amended to read as follows:

51 **Temporary use permits - duration and frequency.** Temporary use permits
52 shall be limited in duration and frequency as follows:

53 A. The temporary use permit shall be effective for no more than one hundred
54 eighty days from the date of the first event;

55 B. Except as otherwise provided in this chapter, ((F))the temporary use shall not
56 exceed a total of sixty days~~((, provided that))~~. ~~((F))~~This requirement applies only to the
57 days that the event or events actually take place. For a winery in the A or RA zones, the
58 temporary use shall not exceed a total of two events per month and all parking for the
59 events must be accommodated on site;

60 C. The temporary use permit shall specify a date upon which the use shall be
61 terminated and removed; and

62 D. A temporary use permit shall not be granted for the same temporary use on a
63 property more than once per calendar year, though a temporary use permit may be
64 granted for multiple events during the approval period.

65 NEW SECTION. SECTION 3. There is hereby added to K.C.C. chapter 21A.32
66 a new section to read as follows:

67 **Temporary homeless encampments.**

68 A. An encampment for the purpose of providing housing for homeless people may be
69 permitted subject to the following standards:

70 1. The application shall include the applicant and the name of any agency that is
71 sponsoring the homeless encampment and that assumes responsibility for providing basic services
72 and support to the homeless encampment;

73 2. If the applicant is not the owner of the site, a written agreement to use the property
74 must be submitted with the application;

75 3. The homeless encampment may be approved for up to ninety consecutive days;

76 4. The total population of the homeless encampment shall be limited to one hundred
77 residents at any one time;

78 5. The site must be within one quarter mile of a public transportation stop with service
79 available during the weekday and weekends or the applicant must demonstrate ability to obtain
80 access to public transportation;

81 6. Except for the access road, the homeless encampment must provide a minimum of
82 twenty foot setback from the street and interior lot lines and include either:

83 a. established vegetation sufficient to obscure the view of the homeless encampment
84 from the lot line; or

85 b. a six foot high, view-obscuring fence; and

86 7. The department may impose additional conditions on the permit in order to assure
87 compliance of the permit with county policies, ordinances and other applicable laws and
88 regulations.

89 B.1. When a temporary homeless encampment is proposed, the applicant and any agency
90 sponsoring the homeless encampment shall convene a community meeting prior to submittal of an
91 application. At the time of submittal of the application, applicants are encouraged to note any
92 changes to the conceptual information presented at the community meeting.

93 2. Meeting notice, including the date and location of the meeting, shall be provided at
94 least two weeks in advance of the community meeting as follows:

95 a. the notice shall be mailed to the department and to the unincorporated area council
96 serving the area in which the site is located; and

97 b. the notice shall be mailed or hand-delivered to all property owners within five hundred
98 feet or at least twenty of the nearest property owners, whichever is greater.

99 3. The notice at a minimum shall contain the following information:

100 a. name of the applicant and any agency sponsoring the homeless encampment and the
101 name of the property owner if different;

102 b. a brief description of the proposal including the date the homeless encampment will
103 begin and end, the proposed number of residents and site layout plans if known;

104 c. a contact name and telephone number to obtain additional information from the
105 applicant and of any agency sponsoring the homeless encampment and any organization involved
106 in the supervision of the homeless encampment; and

107 d. any other information deemed necessary by the department.

108 4. At least one employee of the department, assigned by the director, shall attend the
109 community meeting. At the time of application submittal, the applicant and any agency sponsoring
110 the homeless encampment shall provide a record of the published meeting notice and a list of
111 meeting attendees and of those receiving mailed notice.

112 C. Notification of an application for a temporary permit shall be given to adjacent property
113 owners within a five-hundred foot radius and the local unincorporated area council. The area shall

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114 be expanded to include at least twenty different property owners in rural or lightly inhabited areas
115 or in other appropriate cases when the department determines.

116

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

ATTEST:

APPROVED this ____ day of _____, ____.

Attachments None